

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Frank Addante	Art Unit :	1796
Serial No. :	09/851,029	Examiner :	Tri V. Nguyen
Filed :	May 7, 2001	Conf. No. :	2494
Title :	METHOD AND APPARATUS FOR TRANSACTION TRACKING OVER A COMPUTER NETWORK		

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

(1) Real Party in Interest

Google Inc. is the real party in interest.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 78-86 are pending. A Final Office Action was mailed December 21st, and a Notice of Appeal was filed on April 21st, 2010

(4) Status of Amendments

All amendments have been entered.

(5) Summary of Claimed Subject Matter

Independent claim 78 recites a method of compiling transaction information. See, e.g., Fig. 2 (226). A cookie is formatted at an ad server, the cookie including information related to a selection of an advertisement at a content site. See Fig. 2 (212). A cookie is stored at a user node of a user who made the selection. See Fig. 2 (214). The cookie is provided from the user node to the ad server whenever the user makes a transaction at a sale site associated with the advertisement. See, e.g., Fig. 2 (224).

(6) Grounds of Rejection to be Reviewed on Appeal

Applicant requests that the rejection of claim 78 under 35 U.S.C. 103(a) based on a combination of Merriman et al. (US 2002/0072965) in view of Messer et al. (WO 98/57285) be reversed.

(7) Argument

Claims 78, 80-83 are 85-87 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman in view of Messer. Claim 78 recites a method of compiling transaction information. The method comprises formatting a cookie at an ad server. The cookie includes information related to a selection of an advertisement at a content site. A cookie is stored at a user node of a user who made the selection. The cookie from the user node is provided to the ad server whenever the user makes a transaction at a sale site associated with the advertisement. The reference, alone or in combination, fail to describe or suggest, "providing the cookie from the user node to the ad server whenever the user makes a transaction at a sale site associated with the advertisement," as required by claim 78.

The Final Office Action recognizes that Merriman fails to describe or suggest these features in noting, Merriman "does not explicitly disclose the feature of tracking subsequent sales transactions at the affiliate/merchant sites." In order to address these limitations, the Final Office Action relies on Messer, noting:

In an analogous art, Messer et al. teach the process of tracking subsequent sales at a merchant sites from users directed from a content site via a click trough of an ad banner and gaining of specific offer compensation (abstract, page 5, lines 23-32; page 7, line 20 to page 8, line 14; page 13, line 24 to page 15, line 16). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of the Merriman et al. reference. One would have been motivated to modify the method of compiling transaction information since collecting information regarding the various sales behavior would allows for a more accurate tracking and monitoring of the viewing and transaction session of the user and gain the benefit of a tier/scaling payment schematic.

Applicant submits that this obviousness rejection is flawed for several reasons. First, the Final Office Action categorizes the claim element of providing the cookie from the user node to the ad server as relating to "the process of tracking subsequent sales at a merchant sites from users directed from a content site via a click trough of an ad banner and gaining of specific offer

compensation.” However, the claim element is directed to a dramatically different feature. Specifically, this feature requires that the user node “[provide] the cookie from the user node to the ad server whenever the user makes a transaction at a sale site associated with the advertisement.” Disclosure of this feature is entirely missing from Messer.

Second, since Messer fails to describe or suggest, “providing the cookie from the user node to the ad server,” Messer necessarily fails to describe or suggest performing these operations “whenever the user makes a transaction at a sale site associated with the advertisement.”

In considering the previous appeal, the BPAI already established that Messer failed to describe or suggest these limitations. See, e.g., page 12 (“We agree with the Appellant. The Examiner cites Messer 13:24-14:8 16 for support. The Examiner further construed Messer's content site to be an [[17]] ad server and found that the cookie was edited at several sites. We find that [[18]] the only description of editing a cookie at a specified server in Messer [[19]] occurs at the Merchant server (FF 05). The Examiner cites no specific portion of Messer to support the finding that a cookie is edited at several [[2]] sites, and the portion the Examiner cited for general support refers only to operations on the Merchant server. We find no portion of Messer to describe editing at other than the Merchant server. An ad server is simply a server for the administration of advertising. In Messer, this is performed by its Clearinghouse server (FF 04 & 05). There is nothing in Messer that suggests its Merchant server is an ad server.”). Thus, the Board has already recognized the fundamental differences between our architecture and the Merchant server employed by Messer.

Accordingly, reversal of the rejection and allowance of claim 78 is requested.

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Respectfully submitted,

7/21/2010
Date: _____

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Appendix of Claims

78. A method of compiling transaction information comprising:
formatting a cookie at an ad server, the cookie including information related to a selection of an advertisement at a content site;
storing a cookie at a user node of a user who made the selection; and
providing the cookie from the user node to the ad server whenever the user makes a transaction at a sale site associated with the advertisement.
79. The method of compiling transaction information of claim 78 wherein the cookie further includes information related to a time at which the selection of the advertisement has been made.
80. The method of compiling transaction information of claim 78 further comprising providing a query string from the user node to the ad server, wherein the query string includes information related to the transaction made at the sale site.
81. The method of compiling transaction information of claim 80 wherein the information related to the transaction includes an identification of a purchased product.
82. The method of compiling transaction information of claim 81 wherein the information related to the transaction includes a purchase price of the purchased product.
83. The method of compiling transaction information of claim 80 further comprising recording at least a portion of the information related to the selection of the advertisement and at least a portion of the information related to the transaction into a data structure for the transaction information in the transaction database.
84. The method of compiling transaction information of claim 83 wherein the data structure for the transaction information includes a time of the selection of the advertisement and

a time of the transaction, and the method further includes comparing the time of the selection with the time of the transaction to assess time elapsed between the selection and the transaction.

85. The method of compiling transaction information of claim 83 wherein the data structure for the transaction information includes information related to the content site, and the method further includes crediting the content site with the transaction.

86. The method of compiling transaction information of claim 83 wherein the data structure for the transaction information includes information related to the advertisement, and the method further includes assessing effectiveness of the advertisement by counting a number of transactions related to the advertisement.

87. The method of compiling transaction information of claim 83 wherein the data structure for the transaction information includes information related to a campaign during which the advertisement is provided, and the method further includes assessing effectiveness of the campaign by counting a number of transactions related to the campaign.

88. The method of compiling transaction information of claim 83 wherein the data structure for the transaction information includes information related to an amount of time taken to make the transaction, and the method further includes assessing customer serving capabilities of the sale site by analyzing the amount of time taken to make the transaction.

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Evidence Appendix

None.

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Related Proceedings Appendix

None.